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Attorneys for Official Committee of Unsecured Creditors of
USA Commercial Mortgage Company

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC, Debtors.

Affects:

- × All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**AMENDED MOTION FOR ORDER
REQUIRING PIERCY, BOWLER,
TAYLOR & KERN PC TO
PRODUCE ONE OR MORE
CORPORATE REPRESENTATIVES
FOR EXAMINATION PURSUANT
TO FEDERAL RULE OF
BANKRUPTCY PROCEDURE 2004**

[No hearing required]

Pursuant to Federal Rule of Bankruptcy Procedure 2004, the Official Committee of Unsecured Creditors of USA Commercial Mortgage Company ("UCC" or the "Movant")¹ hereby moves this Court for an order requiring Piercy, Bowler, Taylor & Kern PC ("Piercy Bowler") to produce one or more corporate representatives, as set forth in subpoenas

¹ Upon the effective date of the Joint Plan of Reorganization (the "Plan"), the UCC will cease to exist and the USACM Liquidating Trust will be substituted in for the UCC as to this Motion.

1 issued under Federal Rule Bankruptcy Procedure 9016, to appear for examination at the
2 law office of Lewis and Roca, LLP, 3993 Howard Hughes Parkway, Suite 600, Las Vegas,
3 NV 89169, on a business day no earlier than ten (10) business days after the filing of this
4 Motion and no later than April 30, 2007, or at such other mutually agreeable location,
5 date, and time, and continuing from day to day thereafter until completed.

6 This Motion is further explained in the following Memorandum.

7 Memorandum

8
9 The Movant seeks information concerning the financial audits, reviews, and other
10 services performed by Piercy Bowler on behalf of USACM, the other debtors in the
11 above-captioned cases (together with USACM, the “Debtors”), and the Debtors’ affiliates,
12 subsidiaries, parents, or otherwise related entities. The Movant seeks this information to
13 assist in the collection of the assets and the investigation of the liabilities of the Debtors.
14

15 The requested discovery from Piercy Bowler is well within the scope of
16 examination permitted under Bankruptcy Rule 2004, which includes:

17 [t]he acts, conduct, or property or . . . the liabilities and financial condition
18 of the debtor, or . . . any matter which may affect the administration of the
19 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
20 reorganization case under chapter 11 of the Code, . . . the examination may
21 also relate to the operation of any business and the desirability of its
22 continuance, the source of any money or property acquired or to be acquired
23 by the debtor for purposes of consummating a plan and the consideration
24 given or offered therefore, and any other matter relevant to the case or to the
25 formulation of a plan.²

26 Conclusion

27 Accordingly, the Movant requests that this Court enter the form of order submitted
28 with this Motion.

29 ² FED. R. BANKR. P. 2004(b).

LEWIS
AND
ROCA
LLP
LAWYERS

Dated: March 5, 2007.

LEWIS AND ROCA LLP

By /s/ RC (#006593)

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-and-

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